IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 19442 of 1994,

WRIT PETITION NO : 18924 of 1994,

WRIT PETITION NO : 19720 of 1994

AND

WRIT PETITION NO : 19776 of 1994

W.P.NO.19442 of 1994:

Between:

1.D.J.J.Raju, S/o. S.V.V.R.Raju, R/o. Konda Valagada,

Nellimarla Taluk, Vizianagaram District.
2.D.V.Ramana Raju, S/o. S.V.V.R.Raju, R/o. Konda Valagada,

Nellimarla Taluk, Nizianagaram Dist.
3.D.V.Rama Raju, S/o. S.V.V.R.Raju, R/o. Konda Valagada,

Nellimarla Taluk, Nizianagaram Dist.

..... PETITIONERS

AND

The Visakhapatnam Urban Development Authority,

represented by it's Vice Chairman, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in cancelling the petitioners allotment of Plot Nos178,192&149 respectively of Babametta Phase-I, Vizianagaram is arbitrary, illegal, Vizianagaram is arbitrary, illegal ,null and voi9d and to set aside the orders of the respondent dt.4.10.94 in

P.No.178/MIG/BMI/B2,192/MIH/BHI/B2 & 149/MIG/BMI/B2.

Counsel for the Petitioners: MR.A.JAGANNATHA RAO

Counsel for the Respondent: MS.SUMALINI REDDY (S.C FOR VUDA)

W.P.NO.18924 of 1994:

Between:

P.Seetharamaiah, S/o. P.Raghavayya.

South Central Railway, Secunderabad.

..... PETITIONER

AND

The Visakhapatnam Urban Development Authority,

represented by its Vice Chairman, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in passing the proceedings bearing No. P97/MIG/DP/C1, dated 17/09/1994 purporting to cancel the allotment and putting the same to public auction is illegal, arbitrary to law and without any jurisdiction and is vitiated by the violation of the Principles of Natural justice and further quash the same.

Counsel for the Petitioner: MR.M.V.DURGA PRASAD

Counsel for the Respondent: MS.SUMALINI REDDY (S.C FOR VUDA)

W.P.NO.19720 of 1994:

Between:

Sri S.Venkata Rao, S/o. Late Lakshmi Narayana,
R/o. Simhadri Nagar, Vizianagaram.

..... PETITIONER

AND

The Vice Chairman, Visakhapatnam Urban Development Authority,
Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction, more particularly a Writ of Mandamus declaring the action of the respondent in auctioning the petitioner's plot LIG 202 in

T.S.No.315 of Babametta, Phara I Vizianagaram, is arbitrary illegal null and void and to set aside the order of the respondent vide P.No.202 dt.4.10.94.

Counsel for the Petitioner: MR.VENKATESWARA RAO GUDAPATI

Counsel for the Respondent: MS.SUMALINI REDDY (S.C FOR VUDA)

W.P.NO.19776 of 1994:

Between:

G. Gopalakrishna Murthy, s/o Late R. Satyanarayana Murthy,
R/o Visakhapatnam.

..... PETITIONER

AND

1.Visakha Urban Development Authority,

represented by its Vice Chairman, Visakhapatnam.
2.Smt. S. Ramalakshmi, 50-53-3/13, Seetammadhara,
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus or any appropriate writ or order or direction declaring the action of the 1st respondent in conducting the auction on 30-10-94 in respect of plot MIG 275 measuring 467 Sq. Yards of seetammadhara, Visakhapatnam, as illegal, null and viod and for a consequential order directing the 1st respondent to drop all further proceedings in this regard.

Counsel for the Petitioner: MR.C.H.DHARMAJAYA

Counsel for the Respondent: MS.SUMALINI REDDY (S.C FOR VUDA)

The Court made the following:

ORAL COMMON ORDER:

Heard both sides.

2. Since the issue involved is common, all the above writ petitions are being disposed of by this common order.

3. The common grievance of the petitioners in all the above writ petitions is the cancellation of the alleged plots by the Visakhapatnam Urban Development Authority (for short “the VUDA”) on the ground that no construction work had been taken up within the stipulated period.

4. It is represented by the learned counsel for the petitioners that since the constructions have been raised subsequently in the year 1995, there cannot be any reason for the VUDA to cancel the plots allotted in favour of the petitioners.

5. It is represented by the learned Standing Counsel for the VUDA that similar situation had fallen for consideration before another learned single Judge of this Court in different writ petitions and it appears that those writ petitions were disposed of on the ground that the cancellation orders were revoked subsequently by the VUDA. However, no such proceedings have been pressed into service.

6. Therefore, having regard to the facts and circumstances, in fact, nothing remains for adjudication and the writ petitions are liable to be dismissed as having become infructuous in view of the orders issued by the VUDA revoking the orders of cancellation, which are impugned herein.

7. In the result, all the writ petitions are dismissed as having become infructuous. However, thee shall be no order as to costs.

29TH JULY 2004 D.S.R.VARMA, J

KRK

To:

1.The Visakhapatnam Urban Development Authority,

represented by it's Vice Chairman, Visakhapatnam.

2.Two CD copies.

3.One spare.